

**REMARKS**

The last Office Action has been carefully considered.

It is noted that claims 1, 2, 7-9, 12-16, 18 and 19 are rejected under 35 U.S.C. 102(b) over the patent to Bottinger.

Claims 1, 2, 3, 5, 8, 10, 11, 13, 16-18 are rejected under 35 U.S.C. 102(b) over the patent to Ohlemeyer.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) over the patent to Bottinger in view of the patent to Voth.

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicants have amended claims 1 and 13, the broadest method and apparatus claims, so as to more clearly define the present invention and to distinguish it from the prior art.

Applicants have also added dependent method claims 19-22 and dependent apparatus claim 23-25.

It is respectfully submitted that the present invention as defined in claims 1 and 13 as amended clearly and patentably distinguish from the prior art applied by the Examiner against the original claims.

Claims 1 and 13 specifically define that the present invention deals with a method of determining crop parameters in an agricultural harvester and also with an agricultural harvester, in which a main good flow or crop is fed, and a compacting device 24 is associated with the main good flow or crop via a bypass. The compacting device 24 takes a sample of the main good flow of crop for analyzing the properties of the harvested product. For receiving a definite result of the analysis, the extracted probe has to be pressurized before its properties are sensed.

Claims 1 and 13 have been amended to clearly define this main inventive feature of the method and the machine disclosed in the present patent application.

Turning now to the references and particularly to the patent to Bottinger, it can be seen that the present invention deals with a method and apparatus for determining crop parameters in an agricultural harvester with the use of a compacting device. However, this reference does not disclose a method and an agricultural machine in which a compacting device takes

a sample of a main good flow of crop for analyzing the properties of the harvested product with pressurization of the extracted probe deviated from the main good flow of crop before its properties are sensed.

It is therefore believed that the new features of the present invention which are now defined in claims 1 and 13 are not disclosed in this reference.

The patent to Ohlemeyer discloses a method and a device for determining crop parameters in an agricultural harvester, which however are also different from the present invention. The reference does not disclose a method and an agricultural machine in which a compacting device takes a sample of a main good flow of crop for analyzing the properties of the harvested product with pressurization of the extracted probe deviated from the main good flow of crop before its properties are sensed.

The original claims were rejected over each of the above analyzed references as being anticipated. It is respectfully submitted that the new features of the present invention which are now defined in the amended claims 1 and 13 are not disclosed in the references. In connection with this, it is believed to be advisable to cite the decision in re Lindemann

Maschinenfabrik GimbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1994) in which it was stated:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Definitely, the methods and the machines disclosed in the references do not include each and every element of the method and the machine of the present invention as defined in the amended claims 1 and 13, and therefore the anticipation rejection applied against the original claims should be considered as not tenable with respect to the amended independent claims.

The patent to Voth which is applied in combination with the patent to Bottinger also does not teach the new features of the present invention which are now defined in the amended claims 1 and 13, and therefore the combination proposed by the Examiner would not lead to the applicant's invention as defined in these claims.

The Examiner's attention is also respectfully directed to the features of additional dependent claims 19-25. These claims specifically define with important details, how and where a sample of the flow of crop is taken, supplied into the compacting device and analyzed.

The references applied by the Examiner were thoroughly analyzed with respect to the features of these claims, and it is believed that the features of these dependent claims are not disclosed in the references and also can not be derived from them as a matter of obviousness.

It is therefore respectfully submitted that claims 19-25 should be considered as patentably distinguishing over the art not only because they depend on the presumably allowable claims 1 and 13, but also because they contain a patentable subject matter per se.

In view of the above presented remarks and amendments, reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



Michael J. Striker  
Attorney for Applicants  
Reg. No. 27233